

**IN THE CLAIMS**

1. (ORIGINAL) A method of selecting an active base station during soft handover, the active base station ~~being for~~ receiving data from a source ~~user equipment apparatus~~ for onward transmission to a destination ~~user equipment apparatus~~, the method comprising:

~~determining a measure of a quality of service from the base station to the destination user equipment obtaining relative service quality with respect to said destination apparatus based on service quality of data transmission from a base station to said destination apparatus and service quality of data transmission from said base station to another destination apparatus;~~

~~transmitting said relative service quality from said base station to said source apparatus;~~  
and

~~selecting the base station as an active base station by said source apparatus based on the measure of the quality of service relative service quality received from said base station.~~

2. (CURRENTLY AMENDED) The method according to claim 1, further comprising determining a credit value based on the ~~measure of the quality of service relative service quality~~, and transmitting the credit value from the base station to the source ~~user equipment apparatus~~.

3. (CURRENTLY AMENDED) The method according to claim 2, wherein the source ~~user equipment apparatus~~ receives the credit value from the base station and selects ~~a base station as an~~ the active base station based on the credit value.

4. (CURRENTLY AMENDED) The method according to claim 3, wherein ~~a-the~~ credit value is determined for each of a plurality of source ~~user equipments~~apparatuses.

5. (CURRENTLY AMENDED) The method according to claim 1, wherein a plurality of different measures of ~~the~~ quality of service from the base station to ~~a-the~~ destination ~~user equipment~~apparatus are determined.

6. (PREVIOUSLY PRESENTED) The method according to claim 1, wherein at least one of the following measures of quality of service is determined:

- (a) throughput ratio
- (b) ratio of satisfied packets
- (c) base station buffer occupancy.

7. (CURRENTLY AMENDED) The method according to claim 1, wherein a credit value is determined for each of a plurality of source ~~user equipments~~apparatuses by comparing measures of a quality of service from the base station to a plurality of destination ~~user equipments~~apparatuses.

8. (PREVIOUSLY PRESENTED) The method according to claim 7, wherein the credit value is based on at least one of the following relative measures:

- (a) distance from average throughput
- (b) distance from minimum throughput ratio

- (c) distance from minimum quality of service
- (d) distance from minimum buffer length

9. (PREVIOUSLY PRESENTED) The method according to claim 7, wherein the credit value is based on a plurality of relative measures, and is a single value obtained by combining the relative measures.

10. (CURRENTLY AMENDED) The method according to claim 1 wherein ~~a-the~~ source ~~user equipment apparatus~~ receives credit values from the base station, and selects ~~a base station as an~~the active base station based on a history of the credit values.

11. (CURRENTLY AMENDED) The method according to claim 10, wherein a source user equipment with an improving history of credit values from a base station selects that base station as ~~an~~the active base station.

12. (CURRENTLY AMENDED) The method according to claim 11, wherein a source user equipment with a worsening history of credit values from a base station deselects that base station as ~~an~~the active base station.

13. (CURRENTLY AMENDED) The method according to claim 1, wherein a base station is selected as ~~an~~the active base station based additionally on a measure of radio channel conditions from ~~a-the~~ source ~~user equipment apparatus~~ to the base station.

14. (CURRENTLY AMENDED) The method according to claim 13, wherein a base station is selected as ~~an~~the active base station based on a history of radio channel conditions.
15. (CURRENTLY AMENDED) The method according to claim 1, ~~wherein the selecting is carried out by a user equipment and the method further comprising transmitting an indication of a selected base station from the user equipment~~source apparatus to the base station.
16. (CURRENTLY AMENDED) The method according to claim 1, further comprising scheduling uplink transmissions in dependence on the ~~measure of a quality of service~~relative service quality.
17. (CURRENTLY AMENDED) The method according to claim 16, wherein ~~a~~the source ~~user equipment~~apparatus receives a credit value based on the ~~measure of a quality of service~~relative service quality and determines a time and/or rate of packet transmission based on the credit value.
18. (PREVIOUSLY PRESENTED) The method according to claim 1, the method being repeated periodically.
19. (CURRENTLY AMENDED) The method according to claim 1, wherein the base station transmits data to ~~a~~the destination ~~user equipment~~apparatus in its downlink.

20. (CURRENTLY AMENDED) The method according to claim 1, wherein the base station transmits data to ~~a~~the destination ~~user equipment apparatus~~ via a network.

21. (CURRENTLY AMENDED) A base station for receiving data packets in an uplink from a source ~~user equipment apparatus~~ for onward transmission to a destination ~~user equipment apparatus~~, the base station comprising:

a ~~determining~~ unit which ~~determines a measure of a quality of service from the base station to the destination user equipment obtains relative service quality with respect to said destination apparatus based on service quality of data transmission from said base station to said destination apparatus and service quality of data transmission from said base station to another destination apparatus~~;

a producing unit which produces a credit value based on ~~the measure of the quality of service relative service quality~~;

a transmitting unit which transmits the credit value to the source ~~user equipment apparatus~~;

a receiving unit which receives from the source ~~user equipment apparatus~~ an indication of whether the base station has been selected as an active base station; and

an allocating unit which allocates a channel to the source ~~user equipment apparatus~~ if the base station has been selected as an active base station.

22. (CURRENTLY AMENDED) The base station according to claim 21, wherein a the credit value is determined for each of a plurality of source user equipments apparatuses.

23. (CURRENTLY AMENDED) The base station according to claim 21, wherein the credit value is based on a plurality of different measures of the quality of service from the base station to a destination user equipment apparatus.

24. (CURRENTLY AMENDED) The base station according to claim 21, wherein a the credit value is determined for each of a plurality of source user equipments-apparatuses by comparing measures of a quality of service from the base station to a plurality of destination user equipments apparatuses.

25. (previously presented) The base station according to claim 21, wherein the credit value is based on a plurality of relative measures, and is a single value obtained by combining the relative measures.

26. (CURRENTLY AMENDED) A user equipment apparatus for transmitting data to a destination user equipment apparatus via one or more base stations using soft handover, the user equipment apparatus comprising:

a receiving unit which receives a credit value from a base station, the credit value being based on a measure of a quality of service from the base station to the destination user equipment relative service quality with respect to said destination apparatus, which is based on service

quality of data transmission from said base station to said destination apparatus and service quality of data transmission from said base station to another destination apparatus; and

a selecting unit which selects ~~a base station as~~ an active base station based on the credit value.

27. (CURRENTLY AMENDED) The user ~~equipment apparatus~~ according to claim 26, further comprising a storing unit which stores a history of credit values, and wherein the selecting unit is arranged to select ~~a base station as an~~ the active base station based on the history of credit values.

28. (CURRENTLY AMENDED) The user ~~equipment apparatus~~ according to claim 26, further comprising a determining unit which determines a measure of radio channel conditions from the user ~~equipment apparatus~~ to the base station, and wherein the selecting unit is arranged to select ~~a base station as an~~ the active base station based additionally on the measure of radio channel conditions.

29. (CURRENTLY AMENDED) The user ~~equipment apparatus~~ according to claim 26, further comprising a storing unit which stores a history of radio channel conditions, and wherein the selecting unit is arranged to select ~~a base station as an~~ the active base station based on the history of radio channel conditions.

30. (CURRENTLY AMENDED) The user equipment apparatus according to claim 26, further comprising a transmitting unit which transmits an indication of a selected base station.

31. (CURRENTLY AMENDED) The user equipment apparatus according to claim 26, further comprising a scheduling unit which schedules uplink transmissions in dependence on the credit value.

32. (CANCELLED)

33. (CURRENTLY AMENDED) A communications system comprising:  
a base station for receiving data packets in an uplink from a source user equipment apparatus for onward transmission to a destination user equipment apparatus, the base station comprising:

a determining unit which determines a measure of a quality of service from the base station to the destination user equipment obtains relative service quality with respect to said destination apparatus based on service quality of data transmission from said base station to said destination apparatus and service quality of data transmission from said base station to another destination apparatus;

a producing unit which produces a credit value based on the measure of the quality of service relative service quality;

a transmitting unit which transmits the credit value to the source ~~user equipment~~ apparatus;

a receiving unit which receives from the source ~~user equipment~~ apparatus an indication of whether the base station has been selected as an active base station; and

an allocating unit which allocates a channel to the source ~~user equipment~~ apparatus if the base station has been selected as an active base station; and

a user ~~equipment~~ apparatus for transmitting data to a destination ~~user equipment~~ apparatus via one or more base stations using soft handover, the user ~~equipment~~ apparatus comprising:

a receiving unit which receives said credit value from a base station, the credit value being based on ~~a measure of a quality of service from the base station to the destination user equipment~~ the relative service quality; and

a selecting unit which selects ~~a base station as an~~ the active base station based on the credit value.